

FINAL ORDER NO.6434

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Kreiter Electric Corp.)	
dba Vintage Bus Lines , Billings, Montana,)	Docket No. T-97.19. PCN
Application for a Montana Intrastate Certificate)	Order No. 6434
of Public Convenience and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 25, 1997, **Kreiter Electric Corp. dba Vintage Bus Lines**, Billings, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers in charter service between all points and places in the following counties: Beaverhead, Big Horn, Broadwater, Carbon, Cascade, Deer Lodge, Fergus, Gallatin, Golden Valley, Granite, Jefferson, Judith Basin, Lewis and Clark, Madison, Meagher, Missoula, Musselshell, Park, Powell, Silverbow, Stillwater, Sweet Grass, Treasure, Wheatland, and Yellowstone.
Limitations: Transportation is limited to the use of antique, vintage touring buses, and all transportation movements must originate in Yellowstone County.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public June 3, 1997. That notice said in pertinent part:

If no written protests are received by June 23, 1997, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Karst Stage, Inc., Bozeman, MT; Fred M. Zweifel dba Circle Z Enterprises, Virginia City, MT; Silver Eagle Shuttle, Inc., Billings, MT; Beach Transportation Co., Missoula, MT; Ron & Debbie Kindsfather dba Billings Trolley Co., Billings, MT.

4. Karst Stage, Inc., Fred M. Zweifel dba Circle Z Enterprises, Silver Eagle Shuttle, Inc., and Beach Transportation Co., withdrew their protests after the Applicant restrictively amended the application. The protest filed by Ron & Debbie Kindsfather dba Billings Trolley Co. was not withdrawn.

5. Notice of Public Hearing was issued September 3, 1997, with hearing scheduled for October 9, 1997, in Billings, Montana. An Amended Notice of Public Hearing was issued September 12, 1997 changing the time from 1:00 p.m. to 9:00 a.m.,

6. On September 23, 1997, subsequent to the hearing, protestant Ron & Debbie Kindsfather dba Billings Trolley Co. withdrew their protest. The agreements reached among the other parties are incorporated into the Order granting authority herein.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 29th day of September, 1997, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-97.19.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Kreiter Electric Corp. dba Vintage Bus Lines**, Billings, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers in charter service between all points and places in the following counties: Beaverhead, Big Horn, Broadwater, Carbon, Cascade, Deer Lodge, Fergus, Gallatin, Golden Valley, Granite, Jefferson, Judith Basin, Lewis and Clark, Madison, Meagher, Missoula, Musselshell, Park, Powell, Silverbow, Stillwater, Sweet Grass, Treasure, Wheatland, and Yellowstone.

Limitations: (1) Transportation must originate and terminate in Yellowstone County. (2) Transportation is restricted to service in vehicles with a rated seating capacity of fourteen (14) passengers or less. (3) Transportation is restricted to service in antique touring buses (Model year 1936 or older "White" buses). (4) Transportation in 1937 or newer motor coaches, buses, and limousines is prohibited. (5) Transportation in Virginia City and a two-mile radius is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 29th day of September, 1997, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

DAVE FISHER, Chairman

NANCY McCaffree, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-97.19.PCN in the matter of Kreiter Electric Corp. dba Vintage Bus Lines, Billings, Montana has today been sent to all parties listed.

MAILING DATE: October 1 , 1997

FOR THE COMMISSION

FIRST CLASS MAIL

Kreiter Electric Corp.
dba Vintage Bus Lines
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Billings, MT 59101

Ron and Debbie Kindsfather
dba Billings Trolley Co.
1509 Rosebud Lane
Billings, MT 59101

Hugh Sweeney
Attorney at Law
Box 2175
Billings, MT 59103

Silver Eagle Shuttle, Inc.
P.O. Box 2333
Billings, MT 59103

Beach Transportation Company
825 Mount Avenue
Missoula, MT 59801

Fred M. Zweifel
dba Circle Z Enterprises
P.O. Box 373
Virginia City, MT 59755

Karst Stage, Inc.
511 North Wallace
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AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
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